

## DEPARTMENT OF FINANCE BILL ANALYSIS

**AMENDMENT DATE:** June 26, 2007  
**POSITION:** Oppose

**BILL NUMBER:** SB 991  
**AUTHOR:** D. Florez

### **BILL SUMMARY:** Medical Devices: Power Mobility Devices

This bill would define a "power mobility device" as a motorized quadricycle or a motorized tricycle, and would include these devices within the definition of a "home medical device." This bill would require the Department of Public Health (DPH), no later than January 1, 2009, to conduct a study and report to the Legislature regarding the use and safety of power mobility devices.

### **FISCAL SUMMARY**

This bill would result in increased costs of approximately \$902,000 Drug and Device Safety Fund and 7.0 positions in 2008-09, and \$794,000 annually thereafter, to prepare the report and conduct licensing inspections of home medical device retailers and exemptees. Because this bill would add power mobility devices within the definition of a home medical device, the DPH would be required to conduct these inspections. In addition, this bill may necessitate an increase to the \$850 annual fee that provides revenues to the Drug and Device Safety Fund to support this program expansion. Finance notes that funds and resources to support these activities would be reviewed during the normal budget development process.

### **COMMENTS**

The Department of Finance is opposed to this bill as it would result in increased costs that are not included in the Administration's latest fiscal plan. Because staffing and resources would not be considered for these activities until the 2008-09 fiscal year, the DPH could not complete the required study by January 1, 2009. Finance also notes that revenues to this fund appear to be declining, and this bill likely would result in a need to increase fees for these new activities.

**Existing law** requires the DPH to administer and enforce the Sherman Food, Drug, and Cosmetic Law which regulates the manufacture, packaging, labeling, and advertising of food, drugs, devices, and cosmetics.

**This bill would** define a "power mobility device" to mean a motorized quadricycle or tricycle or an electronic and computer driven wheelchair and seating system, and would include these devices in the meaning of "home medical device." The DPH is required under existing law to regulate the manufacture of, and to establish performance measures for, medical devices. This bill also would require the DPH, no later than January 1, 2009, to conduct a study and prepare and submit a report to the Legislature on findings and recommendations regarding the use and safety of power mobility devices.

**Discussion:** This bill would require the DPH to gather information regarding the use and safety of power mobility devices, including recommendations for increased safety standards as they relate to the mechanisms and design of the device, an analysis of all existing state and federal laws and regulations and any gaps in regulatory oversight, a proposed framework for a task force or advisory committee to recommend additional performance and safety standards, and a system of injury reporting by providers. The additional oversight required by this bill appears to be in response to concerns that these machines lack appropriate safety equipment which have resulted in accidents and injuries.

Analyst/Principal (0551) K. DaRosa	Date	Program Budget Manager Michael Wilkening	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

<b>BILL ANALYSIS</b>	Form DF-43 (Rev 03/95 Buff)
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**BILL NUMBER**

SB 991

<u>Fund Code</u>	<u>Title</u>
3018	Drug and Device Safety Fund